

Title	Readiness Conference Rule in Criminal Trials (amend Cal. Rules of Court, rule 4.112).
Summary	The proposed amendments would allow courts to hold trial readiness conferences rather than mandate that they be held.
Source	Criminal Law Advisory Committee
Staff	Joshua Weinstein, 415-865-7688, joshua.weinstein@jud.ca.gov
Discussion	<p>Current rule 4.112 provides that “A readiness conference shall be held” in criminal cases. (Cal. Rules of Court, rule 4.112(a).) Readiness conferences help courts dispose of cases that are ripe for settlement prior to the day of trial. To that end, the rule provides that the prosecutor, defense counsel, and defendant are to appear at the readiness conference, “and be prepared to discuss the case and determine whether the case can be disposed of without trial.” (Cal. Rules of Ct., rule 4.112(a).)</p> <p>The proposed amendment would make the readiness conference discretionary, rather than mandatory, providing that courts “may hold a readiness conference.” This would allow courts to eliminate the readiness conference if they believe mandatory readiness conferences are not efficient administration of justice. Some courts have found that few cases are settled at the readiness conferences and take judges away from other duties. Thus, those courts believe it would be more efficient to eliminate readiness conferences.</p> <p>Additional amendments include an advisory committee comment clarifying that the decision whether or not to hold a readiness conference is an administrative decision for the court, not for individual judges.</p> <p>Finally, the rule would be amended to clarify that it applies only in felony cases. Rule 4.112 is derived from prior rule 227.6, which applied to the pre-unification Superior Court. However, upon trial court unification the rule was not amended to clarify that it applied only in felony cases. Application in misdemeanor cases is problematic because the rule provides that the defendant must appear at the readiness conference. Since a defendant may waive his or her appearance in misdemeanor cases under Penal Code section 977 (and appear through counsel), a rule mandating the defendant’s appearance at a readiness conference would be inconsistent with statute. Thus, the</p>

committee is proposing amending the rule to clarify its limited application.

Attachments

Rule 4.112 of the California Rules of Court is amended, effective January 1, 2005, to read:

Rule 4.112. Readiness Conference

(a) **[Date and appearances]** The court may hold a A-readiness conference ~~shall be held in felony cases~~ within 1 to 14 days before the date set for trial. At the readiness conference:

(1) All Trial counsel ~~shall~~ must appear and be prepared to discuss the case and determine whether the case can be disposed of without trial.

(2) The prosecuting attorney ~~shall~~ must have authority to dispose of the case, and

(3) The defendant ~~shall~~ must be present in court.

(b) **[Motions]** * * *

Advisory Committee Comment

The decision whether the court should hold readiness conferences is an administrative decision for the court, not individual judges. It should be decided by internal court rule or policy, or by the presiding judge or his or her designee.